



General Assembly

February Session, 2008

Raised Bill No. 63

LCO No. 168

00168_____LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

***AN ACT CONCERNING POST-TRAUMATIC STRESS DISORDER AND
THE WORKERS' COMPENSATION ACT.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subdivision (16) of section 31-275 of the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2008*):

4 (16) (A) "Personal injury" or "injury" includes, in addition to
5 accidental injury that may be definitely located as to the time when
6 and the place where the accident occurred, an injury to an employee
7 that is causally connected with the employee's employment and is the
8 direct result of repetitive trauma or repetitive acts incident to such
9 employment, and occupational disease.

10 (B) "Personal injury" or "injury" shall not be construed to include:

11 (i) An injury to an employee that results from the employee's
12 voluntary participation in any activity the major purpose of which is
13 social or recreational, including, but not limited to, athletic events,
14 parties and picnics, whether or not the employer pays some or all of

15 the cost of such activity;

16 (ii) A mental or emotional impairment, unless such impairment (I)
17 arises [(I)] from a physical injury or occupational disease, [or] (II) is
18 diagnosed as post-traumatic stress disorder by a licensed and board
19 certified mental health professional, and determined by such
20 professional to be originating while the employee has been engaged in
21 the line of employee's duty and not subject to any other exclusion in
22 this section, or III arises, in the case of a police officer, from such police
23 officer's use of deadly force or subjection to deadly force in the line of
24 duty, regardless of whether such police officer is physically injured,
25 provided such police officer is the subject of an attempt by another
26 person to cause such police officer serious physical injury or death
27 through the use of deadly force, and such police officer reasonably
28 believes such police officer to be the subject of such an attempt. As
29 used in this clause, "police officer" means a member of the Division of
30 State Police within the Department of Public Safety, an organized local
31 police department or a municipal constabulary, and "in the line of
32 duty" means any action that a police officer is obligated or authorized
33 by law, rule, regulation or written condition of employment service to
34 perform, or for which the police officer is compensated by the public
35 entity such officer serves.

36 (iii) A mental or emotional impairment that results from a personnel
37 action, including, but not limited to, a transfer, promotion, demotion
38 or termination; or

39 (iv) Notwithstanding the provisions of subparagraph (B)(i) of this
40 subdivision, "personal injury" or "injury" includes injuries to
41 employees of local or regional boards of education resulting from
42 participation in a school-sponsored activity but does not include any
43 injury incurred while going to or from such activity. As used in this
44 clause, "school-sponsored activity" means any activity sponsored,
45 recognized or authorized by a board of education and includes
46 activities conducted on or off school property and "participation"

47 means acting as a chaperone, advisor, supervisor or instructor at the
48 request of an administrator with supervisory authority over the
49 employee.

50 Sec. 2. Section 31-294h of the general statutes is repealed and the
51 following is substituted in lieu thereof (*Effective October 1, 2008*):

52 Notwithstanding any provision of this chapter, workers'
53 compensation benefits for any police officer, as defined in
54 subparagraph [(B)(ii)] (B) (iii) of subdivision (16) of section 31-275, who
55 suffers a mental or emotional impairment arising from such police
56 officer's use of deadly force or subjection to deadly force in the line of
57 duty, shall be limited to treatment by a psychologist or a psychiatrist
58 who is on the approved list of practicing physicians established by the
59 chairman of the Workers' Compensation Commission pursuant to
60 section 31-280 of the 2008 supplement to the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	31-275(16)
Sec. 2	<i>October 1, 2008</i>	31-294h

Statement of Purpose:

To reinsert the post-traumatic stress disorder clause into the Workers' Compensation Act.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]